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# Rules of Department of Economic Development

## Division 65—Endowed Care Cemeteries

### Chapter 1—Organization and Description

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 65—Endowed Care  
Cemeteries  
Chapter 1—Organization and  
Description**

**4 CSR 65-1.010 Application for Cemetery  
Registration**

*Emergency rule filed Aug. 3, 1995, effective Aug. 13, 1995, expired Dec. 10, 1995.*

**4 CSR 65-1.020 Cemetery Advisory  
Committee**

*PURPOSE: This rule defines the Endowed Care Cemetery Advisory Committee.*

(1) The Endowed Care Cemetery Advisory Committee shall be composed of three (3) registered endowed care cemetery owners or managers and two (2) public members.

(2) The public members shall not be registered endowed care cemetery owners or managers or shall not be married to a cemetery owner or manager or be associated, in any way, with death care.

(3) The committee shall include two (2) owners or managers, from privately held or owned cemeteries, one (1) owner of a publicly traded or listed cemetery, and two (2) public members.

(4) The committee members shall be appointed by the director of the Division of Professional Registration and shall serve four (4)-year terms, except that the first committee appointed shall consist of two (2) members who shall be appointed for four (4) years, two (2) members who shall be appointed for three (3) years, and one (1) member who shall be appointed for two (2) years.

(5) A vacancy in the office of a member shall be filled by appointment of the director of the Division of Professional Registration for the remainder of the unexpired term. The director may remove a committee member for misconduct, incompetence, neglect, or for missing three (3) committee meetings.

(6) The advisory committee shall be responsible for advising the director of the Division of Professional Registration on the mission of protecting the public, including innovations and other duties assigned to them by the director of the Division of Professional Registration.

(7) Each member of the committee may receive as compensation, an amount set by the division, not to exceed fifty dollars (\$50) for each day devoted to affairs of the committee and shall be reimbursed for necessary and actual expenses incurred in the performance of his/her official duties.

(8) The committee shall meet at least twice each year and shall report all actions of the committee to the director of the Division of Professional Registration. Annually, the committee shall elect a chairperson and vice-chairperson by a majority of committee member votes and in the absence of the chairperson, the vice-chairperson shall preside.

*AUTHORITY: sections 214.280, RSMo Supp. 1999 and 214.392, RSMo 1994.\* Original rule filed Sept. 11, 1997, effective March 30, 1998. Amended: Filed April 14, 2000, effective Oct. 30, 2000.*

*\*Original authority: 214.280, RSMo 1961, amended 1994 and 214.392, RSMo 1994.*

**4 CSR 65-1.030 Definitions**

*PURPOSE: This rule defines terms used in 4 CSR 65.*

(1) Applicant—an individual submitting an application for a certificate of authority.

(2) Committee—the Endowed Care Cemetery Advisory Committee.

(3) Division—the Division of Professional Registration.

(4) FDIC—Federal Deposit Insurance Corporation.

(5) Office—Office of Endowed Care Cemeteries.

*AUTHORITY: sections 214.270, RSMo Supp. 1999 and 214.392.1(5), RSMo 1994.\* Original rule filed April 14, 2000, effective Oct. 30, 2000.*

*\*Original authority: 214.270, RSMo 1961, amended 1990, 1994, 1996; 214.392, RSMo 1994.*

**4 CSR 65-1.040 Name and Address  
Changes**

*PURPOSE: This rule outlines the requirements and procedures for notifying the Office of Endowed Care Cemeteries of an owner/operator, trustee, cemetery, name and/or address change.*

(1) The holder of the certificate of authority to own or operate a cemetery, endowed or nonendowed, shall ensure the office has the current legal name and address of the cemetery, the owner of the cemetery and the operator of the cemetery. If the new owner is a corporation, partnership or limited liability company, the holder shall also submit the names of the shareholders, partners or members.

(2) The holder of the certificate of authority to own or operate a cemetery shall notify the office in writing of a change of trustee within thirty (30) days of the change. The notice shall include evidence that the trustee is a state or federally chartered financial institution authorized to exercise trust powers within this state and located in this state.

(3) The office shall be informed in writing thirty (30) days prior to a change in ownership. Notice of all other changes shall be made within thirty (30) days after the change.

(4) If the endowed care cemetery funds are not permanently set aside in a trust fund, but instead held in a segregated bank account, the holder of the certificate of authority shall notify the office if the funds are transferred from one account to another, or if signatories are changed. Notice shall include evidence that the funds are insured by the Federal Deposit Insurance Corporation (FDIC) or comparable deposit insurance and held in a state or federally chartered financial institution authorized to do business in Missouri and located in this state. If a new signatory is an attorney currently licensed in the state of Missouri, notice shall include the attorney's bar number.

(5) Except as specifically stated otherwise, notice of all changes in information shall be provided within thirty (30) days after the change.

*AUTHORITY: section 214.392.1(5), RSMo 1994 and 620.010.14(2), RSMo Supp. 1999.\* Original rule filed April 14, 2000, effective Oct. 30, 2000.*

*\*Original authority: 214.392, RSMo 1994; 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999.*

**4 CSR 65-1.050 Complaint Handling and  
Disposition**

*PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.*

(1) The Division of Professional Registration, in coordination with the Endowed Care Cemetery Advisory Committee, will receive and process each complaint made against any holder of a certificate of authority in which the complaint alleges certain acts or practices that may constitute one (1) or more violations of provisions of sections 214.270–214.516, RSMo, or administrative rules. No member of the Endowed Care Cemetery Advisory Committee may file a complaint with the division or committee while holding office, unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. Any division staff member or committee member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: Office of Endowed Care Cemeteries, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102.

(3) All complaints shall be made in writing on a form provided by the division and shall fully identify the complainant by name and address. Verbal or telephone communication will not be considered or processed as complaints, however, the person making such communication will be asked to supplement the communication with a written complaint. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources. Individuals with special needs, as addressed by the Americans with Disabilities Act, may notify the committee office at (573) 751-0849 for assistance. The text for the hearing impaired is (800) 735-2966.

(4) Each complaint received under this rule will be logged and maintained by the division. The log will contain a record of each complainant's name; the name and address of the subject(s) of the complaint; the date each complaint was received by the division/committee; a brief statement concerning the alleged acts or practices and the ultimate disposition of the complaint. This log shall be a closed record of the committee.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant and licensee shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the authority to file a complaint with the Administrative Hearing Commission charging the committee's licensee with any actionable conduct or violation, whether or not

such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the committee.

(7) The division interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the committee. This rule is not deemed to protect, or inure the benefit of those licensees or other persons against whom the committee has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 214.270–214.516, RSMo.

*AUTHORITY: sections 214.392, RSMo 1994 and 620.010.15(6), RSMo Supp. 1999.\* Original rule filed April 14, 2000, effective Oct. 30, 2000.*

*\*Original authority: 214.392, RSMo 1994; 620.010, RSMo 1973, amended 1981, 1983, 1986, 1989, 1990, 1993, 1994, 1995, 1999.*

#### 4 CSR 65-1.060 Fees

*PURPOSE: This rule establishes fees for the Division of Professional Registration and the Endowed Care Cemetery Advisory Committee.*

(1) The division establishes the following fees which are nonrefundable:

(A) Election to Operate Fee	\$ 25.00
(B) Original Licensing Fee (Endowed Care Cemetery)	\$250.00
(C) Original Licensing Fee (Nonendowed Care Cemetery)	\$100.00
(D) Copy of Register Fee (plus \$.25 per page)	\$ 5.00
(E) Insufficient Funds Check Fee Charge	\$ 25.00
(F) Annual Renewal Fee (Endowed Care Cemetery and Nonendowed Care Cemetery) (plus \$1.00 for each internment, inurnment or other disposition of human remains)	\$ 50.00
(G) Reinstatement Fee	\$200.00

(2) All fees are nonrefundable.

(3) The provisions of this rule hereby are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of the rule shall remain in full force and effect unless otherwise determined by a court of

competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 214.275, RSMo Supp. 2001 and 214.280, 214.283 and 610.026, RSMo 2000. Original rule filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 28, 2001, effective March 30, 2002.*

*\*Original authority: 214.275, RSMo 1999, amended 2001; 214.280, RSMo 1961, amended 1994; 214.283, RSMo 1994; and 610.026, RSMo 1987, amended 1998.*